

REMARKS

The issue outstanding in the Office Action mailed March 24, 2004, are the rejections under 35 U.S.C §§112, 135(b), 102, 103 and obvious-type double patenting. Reconsideration of these issues, in view of the following discussion, is respectfully requested.

Rejection Under 35 U.S.C §112

Claim 6 has been rejected under 35 U.S.C §112, as reciting a "use". Claim 6 has been canceled, in view of the existence in the application of proper composition claims 7 and 8. It is submitted that the scope of the composition in claim 7 and 8 does not differ from the "use" of claim 6, and thus there is not a narrowing for purposes of the doctrine of equivalents.

Rejection Under 35 U.S.C §135(b)

Claims 1-2, 4 and 7-8 have been rejected under 35 U.S.C §135(b) over 5,174,921. Claims 1-4 and 7-8 have also been rejected under 35 U.S.C §135(b) over 5,292,452. Reconsideration thereof is respectfully requested, in view of the reformatting of the present claims to desired subject matter. U.S. Patent 5,174,921 and 5,292,452 do not claim the same invention as that herein. Withdrawal of these rejections is therefore respectfully requested.

Double Patenting

Claims 1-4 and 7-8 have been rejected under the doctrine of obviousness-type double patenting over 5,458,805; claims 1-2, 4-5 and 7-8 similarly have similarly been rejected over 5,891,360; claims 1-5 and 7-8 have similarly been rejected over 6,284,154; and, claims 1-4 and 7-8 have similarly been rejected over 6,677,002. It is respectfully submitted that the amendment to the claims renders all these rejections moot, and withdrawal thereof is respectfully requested.

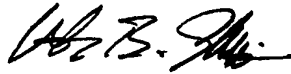
Rejections Under 35 U.S.C §§102/103

Claims 1-2, 4-5 and 7-8 have been rejected under 35 U.S.C §102(b) or, in the alternative 103 over 4,770,503. It is also respectfully submitted that reformulating the claims renders this rejection moot. Withdrawal thereof is respectfully requested.

The claims of the application are submitted to be in condition for allowance, however, if the Examiner has any questions or comments, he is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



Harry B. Shubin (Reg. No. 32,004)
Attorney for Applicant(s)

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
Arlington Courthouse Plaza I
2200 Clarendon, Suite 1400
Arlington, VA 22201
Direct Dial: (703) 812-5306
Internet address: shubin@mwzb.com

Filed: May 14, 2004

HBS:jqs
K:\Merck\1497-D03\re amendment 10-29-03.doc